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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,424	01/18/2001	Shmuel Shaffer	062891.0472	7043

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EXAMINER

MWANYOHA, SADIKI P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,424

Applicant(s)

SHAFFER ET AL.

Examiner

Sadiki Mwanyoha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 8, 9 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5,563,882 to Bruno et al.

Regarding claim 1, Bruno et al. discloses a “process for converting a point-to-point multimedia call to a bridged multimedia call.” The method of Bruno et al. enables the conversion of a an ongoing point-to-point conference call (i.e. conducting a conference call between a plurality of clients using a first call resource) to a multiparty bridged conference call (i.e. second call resource) without disruption of the ongoing exchange of audio information and/or data while the additional parties are added (i.e. transferring the conference call from the first call resource to the second call resource without suspending communication of a plurality of mixed media streams received by the clients) [see Bruno et al. col. 2, line 55]. Furthermore, prior to the conversion, a determination as to the availability of the desired number of conference ports on an MCU (conference bridge) must be made (i.e. identifying a second call resource available to conduct the conference call).

Regarding claim 2, the method of Bruno et al. comprises the use of 2 bearer channels to conduct the point-to-point conference call. During the initial point-to-point conference call the 2

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bearer channels together carry audio and video corresponding to a single conference call (i.e. generating a first mixed media stream at the first call resource). In the process of converting the point-to-point call to a multiparty bridged call, each initial participant (12a, 12b) in Bruno et al. Fig. 4) in the conference drops their mutually connected second bearer channel and uses it to establish a connection to a first reserved MCU (i.e. call resource) port (i.e. second mixed media stream at the second call resource) [see Bruno et al. col. 6, line 40]. Furthermore, the newly established MCU-connected second bearer channels are formatted such that they are identical to that of the ongoing first bearer channel. Also, the data stream carried by the first bearer channel is replicated onto the second bearer channel (i.e. modify synchronization information in the second mixed media stream to match synchronization information in the first mixed media stream). Finally, the conference call participants (12a, 12b) disconnect their mutually connected first bearer channel and establish a connection to a second reserved MCU (i.e. call resource) port (i.e. terminating the first mixed media stream to end communication with the first call resource upon confirming that the modified second mixed media stream is valid). Once both participants (12a, 12b) are successfully connected to their respective reserved MCU ports, they no longer directly communicate with each other through a point-to-point call but, instead, now communicate indirectly through the MCU (i.e. second call resource) and communicating (i.e. communicating the modified second mixed media stream to the clients). In the course of the above discussion, the initial participants may be construed to be mutual first call resources.

Regarding claim 4, see Bruno et al. as applied above and further note that in the method taught by Bruno et al., a standard protocol such as H.320 is instituted for reformatting the second bearer channel (i.e. second mixed media stream) connected to the MCU (i.e. second call

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resource) into a format identical to that of the first bearer channel [see Bruno et al. col. 6, line 45]. This aspect of the method of Bruno et al. reads on instructing the second call resource to adjust synchronization information in the second mixed media stream.

Regarding claim 8, see Bruno et al. as applied above and further note that in the method of Bruno et al., it is inherent that the two media streams exchanged between the participants (12a, 12b) of Bruno et al. Fig. 4 comprise a first media stream and a first mixed media stream as per claim 8, since conference calls are inherently bridged or mixed in this manner; in this manner, two or more participants perceive they are proximate.

Regarding claim 9, see Bruno et al. as applied above.

Regarding claim 21, see Bruno et al. as applied above and further note that it is inherent that the MCU (36) (i.e. media gateway) comprises an interface since it is connected to a network for the purpose of bridging conference calls. It is also inherent that such an MCU (36) also comprises a processing module.

### ***Claim Rejections - 35 USC § 103***

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 4,477,895 to Casper et al. Bruno et al. teaches the method of claim 2 as shown above..

However, Bruno et al. does not teach introducing a delay in a selected one of the first mixed media stream and the second mixed media stream to synchronize the first mixed media stream and the second mixed media stream.

Nevertheless, Casper et al. discloses a “synchronized protection switching arrangement.” In the disclosure, Casper et al. introduces a delay for selectively delaying one channel with

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respect to the other until the data streams on the two channels are synchronized [see Casper et al. abstract].

Therefore, it would have been obvious to delay one of the bearer channels (i.e. mixed media streams) with respect to the other (as taught by Bruno et al.), since such a measure would help to ensure that the second bearer channel (i.e. second mixed media stream) is an identically formatted duplicate of the first bearer channel (i.e. first mixed media stream).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 5,467,342 to Logston et al. Bruno et al. teaches the method of claim 2 as shown above.

However, Bruno et al. does not teach synchronization information comprises at least a selected one of a timestamp and a sequence number.

Nevertheless, Logston et al. discloses “methods and apparatus for time stamp correction in an asynchronous transfer mode network.” In the disclosure, Logston et al. teaches that it is known to adjust the timestamps in a datastream (i.e. modify synchronization information) to account for delays experienced while the datastream propagates through a network [see Logston et al. col. 5, line 50].

Therefore, it would have been obvious to modify the timestamps in the second bearer channels to account for any delay with respect to the first bearer channel that might have arisen due to the two channels propagating on different sections (or media) of the network.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 6,081,513 to Roy. As shown above, Bruno et al. teaches all the limitations of claim 6 except that the mixed media streams comprise RTP packets.

Nevertheless, Roy discloses “providing multimedia conferencing services over a wide area network interconnecting nonguaranteed quality of service LANs”. In the disclosure, Roy teaches the use of RTP protocol to transfer real-time audio and video for a multimedia conference call [see Roy col. 4, line 50].

Therefore, it would have been obvious to employ the RTP protocol to transfer data over the 2 bearer channels taught by Bruno et al., since the RTP is a protocol that is specially tailored to handling real-time audio and video, which constitutes the bulk of multimedia traffic.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 5,625,407 to Biggs et al.

Regarding claim 7, Bruno et al. teaches the method of claim 1 as shown above.

However, Bruno et al. does not teach the clients are unaware of the transfer of the conference call from the first call resource to the second call resource.

Nevertheless, Biggs et al. discloses a “seamless multimedia conferencing system using an enhanced multipoint control unit and enhanced endpoint devices.” The invention of Biggs et al. enables selective connecting and disconnecting of endpoint devices to conference calls wherein multimedia conferences are provided which are substantially procedurally continuous as perceived by system users [see Biggs et al. col. 3, line 48].

Therefore, it would have been obvious to enhance the method taught by Bruno et al. such that the conversion from point-to-point to multiparty conferences was imperceptible to the user, since such a measure would enhance the user satisfaction.

Regarding claim 10, see Bruno et al. as applied above along with the following arguments. Referring to Bruno et al. Fig. 4, the method of Bruno et al. employs three workstations (12a, 12b, 12c) (i.e. a plurality of clients) coupled to a network capable of initiating or joining a conference call (i.e. a plurality of clients operable to couple to a packet-based network, the clients further operable to initiate or join a conference call). As discussed above, during the point-to-point call each workstation (12a, 12b) mutually acts as the first call resource remotely located from the other workstation (i.e. a first call resource operable to couple to the packet-based). Additionally, the method of Bruno et al. employs MCU (36) responsible for bridging multiparty conference calls after the point-to-point call is terminated (i.e. a second call resource operable to couple to the packet-based network at a different physical location than the first call resource). Finally, the MCU (36) also reads on media gateway (i.e. a media gateway operable to couple to the packet-based network, the media gateway further operable to transfer the conference call from the first call resource to the second call resource without suspending communication of a plurality of mixed media streams received by the clients).

However, Bruno et al. does not teach the use of a packet-based network.

Nevertheless, the multimedia conferencing system of Biggs et al. can operate over a packet connection (i.e. packet-based network) [see Biggs et al. col. 5, line 50].

Therefore, it would have been obvious to use packet-based networks to couple the devices employed in the conferencing method of Bruno et al.



7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of Biggs et al. and in further view of US patent 6,275,575 to Wu. Bruno et al. in view of Biggs et al. teaches the system of claim 10.

However, these references do not teach the plurality of clients are selected from a group consisting essentially of a conventional telephone coupled to the packet-based network via a gateway, a wireless phone coupled to the packet-based network via the gateway, an Internet Protocol (IP) phone or a computer including a voice teleconferencing application. Nor do these references teach the packet-based network comprises an Internet Protocol (IP) network.

Nevertheless, Wu discloses a “method and system for coordinating and initiating cross-platform telephone conferences.”

Regarding claim 19, referring to Wu Fig. 1, the system of Wu comprises a plurality of clients including conventional telephone (116) coupled to a packet-based network (124) via a gateway (128), a wireless phone (142a, 142b, 142c) coupled to a packet-based network (124) via a gateway (128) as well as a computer (120) including a teleconferencing application. Additionally, Wu teaches that it is known that teleconferencing systems may support IP phones [see Wu col. 2, line 22].

Regarding claim 20, the system of Wu comprises an Internet Protocol (IP) network (124).

Therefore, it would have been obvious to support the plurality of clients types taught by Wu in the system of Bruno et al. in view of Biggs et al., since Wu teaches that the “ultimate purpose of teleconferencing systems is to facilitate simultaneous communication between a plurality of participants who are geographically separated” [see Wu col. 2, line 10].

8. Claims 11-18 are apparatus claims that correspond directly to method claims 2-9 respectively, and therefore, are rejected under the same rationale.

9. Similarly claims 22-29 are apparatus claims that correspond directly to method claims 2-9 respectively, and therefore, are rejected under the same rationale.

10. Similarly claims 30-38 are apparatus claims that correspond directly to method claims 1-9 respectively, and therefore, are rejected under the same rationale.

11. Similarly claims 39 and 40 are apparatus claims that correspond directly to method claims 1 and 2 respectively, and therefore, are rejected under the same rationale.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Norstrom et al. US patent app. US 2002/0170067 discloses a "method and apparatus for broadcasting streaming video" that utilizes the RTP protocol. In the disclosure, Norstrom et al. introduces a sequence numbering and timestamp synchronization for RTP streams. As shown in Norstrom et al. Fig. 8, two different streams (200,210), each having different sequence numbering and timestamp are synchronized and then re-calculated using a synchronization module. The synchronization module permits switching between two different video input

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streams (i.e. mixed media streams) to be accomplished without the end user receiving packets in the wrong order and throwing them away [see Norstrom et al. ¶ 52].

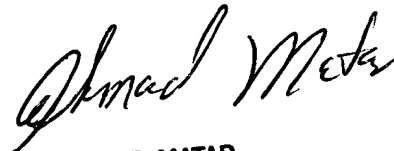
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadiki Mwanyoha whose telephone number is 703-305-3417.

The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

spm  
August 7, 2003

  
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